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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the combined second and third periodic reports of Armenia*

1. The Committee on Economic, Social and Cultural Rights considered the combined second and third periodic reports of Armenia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ARM/2-3) at its 15th and 16th meetings (see E/C.12/2014/SR.15-16), held on 7 May 2014, and adopted, at its 40th meeting, held on 23 May 2014, the following concluding observations.

A. Introduction

2. The Committee takes note of the submission by Armenia of its combined second and third periodic reports, which reflect the State party's efforts to provide an account of the steps taken to implement the recommendations made by the Committee in its preceding concluding observations. The Committee also takes note of the detailed written replies to its list of issues (E/C.12/ARM/Q/2-3/Add.1) and welcomes the constructive dialogue held with the State party's delegation.

B. Positive aspects

3. The Committee notes that, under article 5 of the Law on International Treaties of the Republic of Armenia, the international conventions on human rights ratified or acceded to by Armenia, including the Covenant, have direct effect in the State Party and that, under article 6 of the Constitution, in the event of conflicting legislation, the provisions of the international conventions prevail. The Committee further notes that the provisions of the Covenant can be invoked before the domestic courts.

4. The Committee welcomes the State party's ratification of the following human rights instruments since the previous review of Armenia by the Committee:

(a) The Convention for the Protection of All Persons from Enforced Disappearance, in 2011;

(b) The Convention on the Rights of Persons with Disabilities, in 2010;

* Adopted by the Committee at its fifty-second session (28 April–23 May 2014).

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(c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2006;

(d) The Optional Protocol to the Convention against Torture, in 2006;

(e) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, in 2005.

5. The Committee also welcomes the ratification of the following international instruments:

(a) The Convention against Transnational Organized Crime and its Protocols (2000), in 2003 and 2012;

(b) International Labour Organization (ILO) Conventions Nos. 29, 87, 98, 105, 138 and 182, in 2003, 2004 and 2006;

(c) The World Health Organization Framework Convention on Tobacco Control, in 2004;

(d) The Hague Conventions Nos. 28, 33 and 34, in 2007;

(e) The United Nations Convention against Corruption, in 2007.

6. The Committee welcomes the State party's efforts to promote the implementation of economic, social and cultural rights, which have included:

(a) The reception by the State party of over 11,000 refugees and asylum seekers from the Syrian Arab Republic;

(b) The 2013–2015 National Action Plan to Combat Trafficking in Persons;

(c) The establishment of employment quotas as of 1 January 2015 for persons with disabilities.

C. Principal subjects of concern and recommendations

7. The Committee notes the absence of detailed information on the practical results and impact of laws, policies, strategies and programmes adopted by the State party in relation to the various rights enshrined in the Covenant.

The Committee recommends that the State party monitor and assess the impact of measures taken to advance economic, social and cultural rights, base new measures on human rights impact assessments and provide information thereon in its next report.

8. The Committee is concerned about widespread corruption and the limited effectiveness of measures taken to eradicate corruption (art. 2, para. 1).

The Committee recommends that the State party enhance the effectiveness of the legal, structural and policy measures to combat corruption in government, public administration and the judiciary, and that it investigate and effectively sanction illegal conduct and raise awareness about the detrimental impact of corruption on the allocation of adequate resources for the fulfilment of economic, social and cultural rights.

9. The Committee is further concerned that the maximum available resources are not used by the State party to progressively achieve the full realization of the rights recognized in the Covenant (art. 2, para. 1).

The Committee recommends that the State party:

(a) Improve the capacity of line ministries for public finance management, facilitate the dialogue between line ministries and the Ministry of Finance, ensure that resources are effectively allocated according to programme budgeting criteria, and increase political awareness of the need to allocate substantial additional resources to health and education;

(b) Regularly assess whether the maximum available resources have been used to progressively achieve the full realization of the rights recognized in the Covenant, taking into account the Committee's statement of September 2007 on the obligation to take steps to the "maximum of available resources" (E/C.12/2007/1);

(c) Ensure respect for, and protection and fulfilment of, economic, social and cultural rights under the Covenant when negotiating development assistance projects and programmes.

10. The Committee is concerned about reports of the lack of independence of the judiciary in the State party.

The Committee recommends that the State party take legal, administrative and other necessary measures to guarantee the independence of the judiciary as a means of safeguarding the enjoyment of human rights, including economic, social and cultural rights. The Committee further recommends that the State party continue its efforts to ensure that judges, lawyers and prosecutors are trained on the justiciability of economic, social and cultural rights and invites the State party to provide detailed information on relevant jurisprudence of domestic courts. In this regard, the Committee refers the State party to its general comments No. 3 (1990) on the nature of States parties' obligations and No. 9 (1998) on the domestic application of the Covenant.

11. The Committee is concerned at the absence of a comprehensive legal framework against discrimination covering all grounds for discrimination enumerated in the Covenant.

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation, guaranteeing protection for all against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2, paragraph 2, of the Covenant and, in this regard, draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

12. The Committee notes with concern the prevailing discrimination against persons with disabilities in the area of economic, social and cultural rights, as well as the social segregation of persons with disabilities in all areas. The Committee further notes the lack of information provided by the State party on measures taken to address the prevailing stigmatization of persons with disabilities (art. 2, para. 2; art. 6).

The Committee recommends that the State party address the social stigma experienced by persons with disabilities, through information campaigns and other awareness-raising efforts, and adopt the draft law on the rights of persons with disabilities and their social inclusion, including provisions on "reasonable accommodation" for persons with disabilities and accessibility of public services. The Committee also recommends that the State party step up its efforts to provide vocational training and employment opportunities to persons with disabilities, as well as provide effective monitoring and enforcement of the compulsory employment quotas for persons with disabilities which will be phased in by the State party as of 1 January 2015.

13. The Committee is concerned about deeply rooted patriarchal attitudes and stereotypes regarding the role of women and men in the family and in society. In addition,

the Committee reiterates its concern about the underrepresentation of women in national and local government bodies, and decision-making positions, in spite of the gender-sensitive quotas provided for in the Electoral Code and other measures taken (art. 3).

The Committee draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights and recommends that the State party:

(a) Take effective measures to address stereotypes arising from deeply rooted patriarchal attitudes and gender roles and actively combat all forms of discrimination against women;

(b) Adopt additional temporary special measures to increase the representation of women in senior-level positions in public administration, academia and research institutions.

14. The Committee is concerned about the high level of unemployment in the State party, particularly in rural areas, and the insufficient public expenditure to activate vocational training and employment policies. The Committee further regrets that numerous unemployed persons do not register as such and therefore are not reflected in the official unemployment statistics. The Committee is also concerned about the presence of a large informal employment sector, as it is estimated that 40 per cent of workers are engaged in informal economic activities, which de facto prevents their enjoyment of economic and social rights (art. 6).

The Committee requests that the State party:

(a) Collect and compile updated data on unemployment, broken down by sex, age, urban and rural area and ethnic group, with a view to adopting effective targeted measures to reduce unemployment;

(b) Take effective measures to regularize the informal sector of the economy, provide information on the results of measures taken to reduce the extent of the informal sector, while ensuring that workers in the informal sector have access to basic services and social protection;

(c) Report on the impact of measures taken in the next periodic report.

15. The Committee reiterates its concern over the disproportionately high level of unemployment among women. The Committee is equally concerned about the prevalence of vertical and horizontal gender segregation in the economy and the concentration of women in low-paid sectors of the economy, despite equality between women and men before the law. In addition, the Committee is concerned about the significant gender pay gap, with women earning approximately only 60 per cent of the value of men's wages in 2012 (arts. 6 and 7).

The Committee recommends that the State party:

(a) Empower women, through gender-sensitive labour policies, to enhance their access to employment in all sectors of the economy and ensure equal treatment for women and men in the labour market, including equal pay for work of equal value in all sectors;

(b) Address effectively, through awareness-raising and other measures, sociocultural barriers that negatively impact women's opportunities for advancement in the workplace in all sectors of the economy, in particular in those sectors with high wage levels.

16. The Committee is concerned about the discontinuation of unemployment benefits as of 1 January 2015, following the adoption by the National Assembly of amendments to the

Law on Employment. This measure is expected to have a particular impact on women, who currently receive unemployment benefits which are twice as high as those of men. The Committee is further concerned that the support to be given to those whose benefits have been discontinued will be based on a material needs approach and no longer on a human rights-based approach (arts. 9 and 11).

The Committee recommends that the State party take special measures to protect persons who will find their unemployment benefits discontinued, in line with its human rights obligations under articles 9 and 11 of the Covenant, and pay particular attention to addressing the disproportionate impact on women.

17. The Committee regrets that social assistance benefits are insufficient to guarantee an adequate standard of living, including for pensioners and the unemployed. The Committee notes that, even with the system of "vulnerability ratios", social aid is insufficient to address the needs of families living in poverty. With 32 per cent of the population and 38 per cent of children under the age of 5 living in poverty in 2012, the Committee is concerned that the level of family benefits is manifestly inadequate (arts. 9, 10 and 11).

The Committee recommends that the State party:

(a) Ensure a comprehensive and harmonized approach to the social protection system and provide sufficient social assistance benefits to ensure that all persons can enjoy an adequate standard of living, taking into account the real cost of living, in accordance with the Committee's general comment No. 19 (2007) on the right to social security;

(b) Allocate sufficient funds for the implementation of poverty-reduction strategies, taking into account the Committee's statement of May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights, (E/C.12/2001/10);

(c) Consider ratifying ILO Convention No. 117 (1962) on Social Policy (Basic Aims and Standards).

18. The Committee is concerned about the persistence of high levels of violence against women, in particular domestic violence, and regrets that domestic violence is still not an act specifically criminalized by law. The Committee is also concerned about the insufficient number of shelters for victims of domestic violence (art. 10).

The Committee recommends that the State party respond adequately to the problem of domestic violence through measures of prevention, protection and prosecution. The Committee specifically recommends that the State party:

(a) Adopt legislation without delay to explicitly prohibit domestic violence, defining it as a specific offence;

(b) Provide additional shelters for victims of domestic violence;

(c) Conduct awareness-raising activities on domestic violence for law enforcement officials such as police officers, prosecutors and judges, as well as for social workers, teachers and the general public.

19. The Committee is concerned that, despite the Government's de-institutionalization programme, the institutionalization rate for children, the majority of whom have families, remains very high. The Committee is concerned that families, while maintaining parental rights, place their children in boarding schools and child-care institutions on account of economic hardship and because of their inability to meet the costs associated with covering the children's basic needs. The Committee is further concerned about the lack of protection for children against corporal punishment (art. 10).

The Committee recommends that the State party:

(a) Strengthen social and financial support to families in situations of vulnerability, including by providing adequate child benefits for families living in extreme poverty, thereby allowing them to avoid placing their children in boarding schools and children's homes for economic reasons;

(b) Accelerate its efforts to provide alternative family- and community-based care systems and ensure that institutional care is used only as a measure of last resort;

(c) Introduce independent monitoring of the rights of children in institutions under the Ministry of Education and Science, the Ministry of Labour and Social Issues, and the authority of regional governments;

(d) Prohibit the corporal punishment of children in all settings and sanction perpetrators.

20. The Committee is concerned about the limited availability of social housing for persons in need (art. 11).

The Committee recommends that the State party adopt all appropriate measures to guarantee access to adequate and affordable housing for disadvantaged and marginalized individuals and groups, including for the families who are still living in temporary shelters as a result of the 1988 earthquake, inter alia by allocating adequate resources to increase the supply of social housing units, taking into account the Committee's general comment No. 4 (1991) on the right to adequate housing.

21. The Committee is concerned about the widespread practice of "informal payments" being requested in health-care settings (art. 12).

The Committee urges the State party to take urgent measures to eliminate the levying of informal fees and requests it to provide specific information on measures taken and their impact.

22. The Committee is concerned that Armenia has one of the highest levels of male births compared with female births observed anywhere in the world, as a result of sex-selective abortions. The Committee further remains concerned that the rate of abortion is high, while information on, and the availability of, contraception is limited (arts. 3, 10 and 12).

The Committee recommends that the State party:

(a) Take proactive measures against sex-selective abortions, including legislative and administrative measures, in consultation with women, reproductive health personnel and other stakeholders;

(b) Make contraceptives available, accessible and affordable to all women and men of reproductive age, including adolescents, and provide comprehensive age-appropriate sexual and reproductive health education;

(c) Adopt measures to expedite the elimination of discrimination against women and girls, in particular addressing practices and social norms fuelling son preference;

(d) Conduct comprehensive studies to identify the root causes of sex-selective abortion and of discrimination against women in the State party and provide, in its next report, yearly plans to combat sex-selective abortions, taking on board the recommendations in the interagency statement on preventing gender-biased sex selection by United Nations specialized agencies in 2011.

23. The Committee is concerned about the poor condition of the infrastructure of many schools, despite the allocation of a dedicated budget for improving educational facilities. The Committee is also concerned about the fact that high-school students frequently need to seek private tutors in order to acquire the knowledge required to gain entry to higher education institutions, which also leads to disparities in enrolment rates on the basis of socioeconomic background and in turn limits social mobility (art. 13).

The Committee recommends that the State party:

(a) Use the resources allocated for the improvement of educational facilities more effectively, in response to the needs of students and teachers;

(b) Reinforce efforts to ensure that poverty does not negatively affect a child's education or work prospects.

24. The Committee is concerned about the significant proportion of children with disabilities who do not have access to formal education (18 %). The Committee is also concerned that, in spite of efforts by the State party to expand the network of inclusive schools, inclusive education has not yet been fully implemented. The Committee is also concerned about the limited access of persons with disabilities to cultural activities and the Internet (arts. 2, 13 and 15).

The Committee recommends that the State party:

(a) Take additional measures to expand access for persons with disabilities, in particular as regards transportation and physical access to educational institutions and cultural sites, and provide "reasonable accommodation" for persons with disabilities;

(b) Accelerate the implementation of inclusive education for all children with disabilities.

25. The Committee is concerned about the limited public expenditure on science and research, and the decrease in the number of women scientists (art. 15).

The Committee recommends that the State party increase public expenditure on science and research.

D. Other recommendations

26. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

27. **The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, particularly among government officials, parliamentarians, judicial authorities and civil society organizations, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

28. **The Committee requests the State party to submit its fourth periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 30 May 2019.**